

ENTERED

September 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JESSICA STARK,

Plaintiff,

VS.

ABC PEDIATRIC CLINIC, P.A., SILEN
PAHLAVAN, SOGOL PAHLAVAN and
MOHAMMAD PARVIZIAN,

Defendants.

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Civil Case No. 4:21-CV-03822

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the August 25, 2023 Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Peter Bray. (Dkt. No. 58). Judge Bray made findings and conclusions and recommended that Plaintiff's Motion for Summary Judgment, (Dkt. No. 48), be granted in part; that Defendant's Motion for Summary Judgment, (Dkt. No. 49), be granted in part; and that this case be remanded to the 113th Judicial District Court of Harris County, Texas. (Dkt. No. 58).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On September 8, 2023, Plaintiff filed one objection. (Dkt. No. 59). Plaintiff objects that Judge Bray did not acknowledge that it is disputed whether Defendant Mohammad Parvizian told Plaintiff that she could not work for Defendants while attending law school. The Court does not adopt this objected-to part of the M&R, but concludes that Judge Bray's conclusions are nevertheless correct. On September 8, 2023, Defendants filed one objection. Defendants object generally to Judge

Bray's recommendation that their Computer Fraud and Abuse Act (CFAA) claim be dismissed. Defendants also argue that remand would not be appropriate if the CFAA claim is not dismissed.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

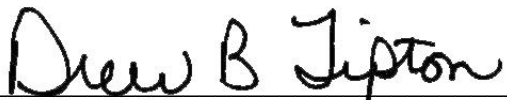
The Court has carefully considered de novo those portions of the M&R to which objection was made and reviewed proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that: Judge Bray's M&R (Dkt. No. 58) is **ACCEPTED** and **ADOPTED**, except as noted above, as the holding of the Court; and

- (1) Plaintiff's Motion for Summary Judgment, (Dkt. No. 48), is **GRANTED IN PART**; and
- (2) Defendant's Motion for Summary Judgment, (Dkt. No. 49), is **GRANTED IN PART**.

It is SO ORDERED.

Signed on September 13, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE